

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

MARK HAYNES

Case No. 15-239-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of see attached affidavit in the county of Philadelphia in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 2422(b)
 18 U.S.C. 2252(a)(2)
 18 U.S.C. 2252(a)(4)(B)

Enticement of a Minor to Engage in Sexual Activity
 Distribution of Child Pornography
 Possession of Child Pornography

See Attachment A.

This criminal complaint is based on these facts:

See attached Affidavit

☐ Continued on the attached sheet.

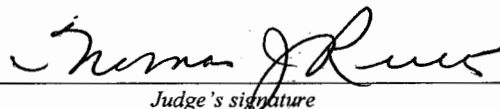

 Complainant's signature
 JENNIFER MORROW, Special Agent, FBI
 Printed name and title

Sworn to before me and signed in my presence.

Date: 02/20/2015

City and state:

Phila. Pa


 Judge's signature

THOMAS J. REUTER, U.S.M.J.

Printed name and title

ATTACHMENT A

Count One – Enticement of a Minor to Engage in Sexual Activity – 18 U.S.C. § 2422(b)

In or about diverse dates in or about January 2010 through February 2010, in West Chester, in the Eastern District of Pennsylvania, and elsewhere, defendant MARK HAYNES, did knowingly use a means of interstate or foreign commerce, that is, the Internet, to persuade, induce, entice or coerce Minor #1 to engage in any sexual activity for which any person could be charged with a criminal offense.

Count Two – Distribution of Child Pornography – 18 U.S.C. § 2252(a)(2)

On or about April 27 and 28, 2014, in West Chester, in the Eastern District of Pennsylvania, defendant MARK HAYNES, did knowingly distribute a visual depiction of minors engaging in sexually explicit conduct, such visual depiction having been mailed or shipped or transported in interstate or foreign commerce, or in or affecting interstate commerce, by any means, including by computer, or such visual depiction having been produced using materials that had traveled in interstate or foreign commerce.

Count Three – Possession of Child Pornography - 18 U.S.C. § 2252(a)(4)(b)

On or about October 23, 2014, in West Chester, in the Eastern District of Pennsylvania, defendant MARK HAYNES, did knowingly possess any visual depiction of minors engaging in sexually explicit conduct, such visual depiction having been mailed or shipped or transported in interstate or foreign commerce, or in or affecting interstate commerce, by any means, including by computer, or such visual depiction having been produced using materials that had traveled in interstate or foreign commerce.

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

I, Jennifer A. Morrow, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Philadelphia Division, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI for twelve years, and am currently assigned to the Philadelphia Division's Violent Crimes Against Children Squad in the Newtown Square Resident Agency. While employed by the FBI, I have investigated federal criminal violations related to violent crime, drug trafficking, kidnapping, and the FBI's Innocent Images National Initiative, which investigates matters involving the online sexual exploitation of children. I have gained experience through training at the FBI Academy, training at the Innocent Images Unit of the FBI, various conferences involving Innocent Images and Crimes Against Children, and everyday work related to conducting these types of investigations.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. This affidavit is being made in support of an application for a complaint and warrant for the arrest of Mark Haynes.

4. The statements in this Affidavit are based in part on my investigation of this matter and on information provided by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of obtaining an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that Mark Haynes committed violations of Title 18 U.S.C. Sections 2422(b), and 2252(a)(2).

LEGAL AUTHORITY

5. Title 18 U.S.C. Section 2422(b) prohibits a person from knowingly persuading, inducing, enticing, or coercing any individual to engage in any sexual activity for which any person could be charged with a criminal offense, or attempts to do so.

6. Title 18 U.S.C. Section 2252(a) prohibits a person from knowingly transporting, shipping, receiving, distributing, reproducing for distribution, possessing, or accessing with intent to view any visual depiction of minors engaging in sexually explicit conduct, when such visual depiction was either mailed or shipped or transported in interstate or foreign commerce, or in or affecting interstate commerce, by any means, including by computer, or when such visual depiction was produced using materials that had traveled in interstate or foreign commerce.

INVESTIGATIVE RESULTS

7. On September 29, 2014, Chester County detectives received a cyber tip from the National Center for Missing and Exploited Children (NCMEC) that a subject utilizing the Internet Protocol (IP) address 50.243.56.131 posted two images of child pornography on April 27, 2014, 16:06:17hrs (UTC) and April 28, 2014, 00:40:58hrs (UTC). Instagram further advised that the user name for the account was "Katie" and the subscriber email account was irishwit2@gmail.com. A court order was obtained for subscriber information for IP address 50.243.56.131, as it was assigned on April 27, 2014 and April 28, 2014, for Comcast Communications, which revealed that the IP address was registered to Saint Simon and Jude Church, 8 Cavanaugh Court, West Chester, PA 19382.

8. The email address irishwit2@gmail.com was identified as belonging to the defendant, Reverend Mark Haynes, a parochial Vicar at Saint Simon and Jude. On October 23, 2014 Rev. Mark Haynes was interviewed in the rectory and after being advised of his rights voiced a desire to cooperate with police. He admitted that the email account irishwit2@gmail.com belonged to him and that he used the internet to view nude photos of high school aged children. Haynes advised that there were nude photographs of young females, approximately ages of 13-15 years old, on his computers and other devices. He stated that he was responsible for receiving and posting child pornography and estimated that he had received approximately 100 sexually explicit images of child pornography, and posted or sent approximately 25-50 sexually explicit images to other individuals on Instagram. He explained that he sent those images so that he would receive images of child pornography in return.

9. In his statement to police Haynes went on to describe activity he was involved in around 2010 in which he posed as a 16 year old girl ("Katie") on a teen dating website. The email address he created for the 16 year old girl was katiecaaponetti@yahoo.com. As "Katie" he would meet minor girls and request them to take and send sexually explicit pictures. He communicated with someone through email that he believed to be a 14 year old female and received approximately 10 videos of this 14 year old girl masturbating. Haynes stated that he has deleted all images and videos depicting child pornography that were on the devices he used. Haynes was arrested that night by Chester County detectives and charged with two counts of dissemination of child pornography. Haynes has since posted bail and was released.

10. Based on the information received from Rev. Haynes all of the electronic devices that Haynes indicated he used were seized from his living quarters in the rectory and a

search warrant for these devices was requested and obtained in Chester County, PA on October 23, 2014. A forensic examination of these devices revealed email exchanges, all sexual in nature, between “Katie Caponetti” and a number of minor girls; internet searches for “nude teen girls” and “teen girls,” 10 images of child pornography from unallocated space; internet history that shows a number of visits to the Internet site “motherless.com,” a website known to traffic child pornography; and internet searches for “8th grade girls tumblr” and “teen girls.” The examination also confirmed 10 images depicting child pornography on the defendant’s computer equipment.

11. Information provided from the examination revealed an ongoing exchange of emails between the defendant’s account and one identified as belonging to 14 year old Minor #1. A review of the communications revealed discussions about being a 14 year old female and body characteristics like breast size, pubic hair, and sexual acts. The emails included exchanges of image and video files between the defendant and Minor #1 of underage females engaged in sexual activity. These activities took place on diverse dates in January through February 2010.


12. Minor #1 was interviewed and stated that she was 13 years old at the time that she communicated with the defendant posing as “Katie Caponetti,” and, among other things, they talked about masturbation and the other girl’s request to have Minor #1 masturbate for “her.” Minor #1 recalls the defendant sending her a video showing a close up of a female masturbating.

13. The forensic examination confirmed that on February 18, 2010 and February 20, 2010, the defendant sent two files to Minor #1 – one image and one video – which

contained child pornography, that is, minor girls engaged in sexual activity and depicted in sexually explicit positions.

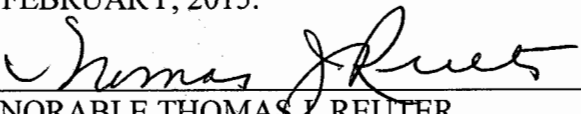
CONCLUSION

14. Based upon the information above, I respectfully submit that there is probable cause to believe that Mark Haynes did violate the laws of the United States, specifically, Title 18 U.S.C. Sections 2422(b), 2252(a)(2), and 2252(a)(4)(B).



JENNIFER A. MORROW
Special Agent, Federal Bureau of Investigation

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 20 DAY
OF FEBRUARY, 2015.



HONORABLE THOMAS J. REUTER
United States Magistrate Judge